

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAYRIMUS PORTER,

Plaintiff,

v.

DAVID A. CLARKE, JR., OFFICER BLUE,
OFFICER BROOKS, BIO CLEANERS,
NURSE GRAY, and JOHN AND JANE
DOES,

Defendants.

Case No. 16-CV-1686-JPS

ORDER

On January 12, 2017, the Court issued an order finding that the plaintiff's original complaint failed to state any viable claims for relief. (Docket #10 at 4-5). The Court permitted the plaintiff to offer an amended complaint, and requiring that it be filed no later than February 2, 2017. *Id.* at 5. That date has passed and the Court has not received an amended complaint or any other communication from the plaintiff. The Court warned the plaintiff that failure to file an amended complaint within the prescribed period may result in dismissal of this action. *Id.* Without an amended complaint, the Court is left to evaluate only the original complaint, and in accordance with its earlier order, must dismiss this action for failure to state any claims upon which relief may be granted.

Accordingly,

IT IS ORDERED that this action be and the same is hereby **DISMISSED** pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1) for failure to state a claim;

IT IS FURTHER ORDERED that the Clerk of Court document that this inmate has brought an action that was dismissed for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1);

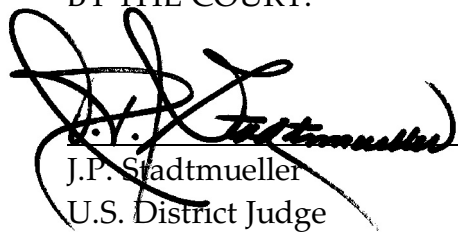
IT IS FURTHER ORDERED that the Clerk of Court document that this inmate has incurred a “strike” under 28 U.S.C. §1915(g); and

THE COURT FURTHER CERTIFIES that any appeal from this matter would not be taken in good faith pursuant to 28 U.S.C. § 1915(a)(3) unless the plaintiff offers bonafide arguments supporting his appeal.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 7th day of February, 2017.

BY THE COURT:


J.P. Stadtmueller
U.S. District Judge